

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF OKLAHOMA

Paula J. Nutley,

Plaintiff(s),

vs.

Case Number: 09-CV-215-JHP

River Falls Machinery Sales, Inc., et al.,

Defendant(s).

MINUTE ORDER

At the direction of James H. Payne, U.S. District Judge, it is hereby ordered that: Plaintiffs Motion in Limine (Dkt.# 175) is granted in part and denied in part as follows:

In regard to medical history Plaintiff's Motion is denied insofar as Defendants shall be allowed to introduce evidence of Plaintiff's pre-existing injuries, including evidence from Plaintiff's treating orthopedist and Defendant's expert orthopedist. Plaintiff's Motion is granted with respect to medical records related to Plaintiff's claim of emotional distress due to Plaintiff's withdrawal of said claim.

Plaintiff's motion is granted with respect to testimony and evidence related to Plaintiff's claim for emotional distress due to Plaintiff's withdrawal of said claim. However, Defendant may reurge this issue if necessary for impeachment purposes during trial.

Plaintiff's motion is granted in regard to insurance benefits received by Plaintiff under the Collateral Source Rule.

Plaintiff's motion is denied in regard to Plaintiff's employment history. Defendants shall be allowed to explore Plaintiff's employment history relevant to her claim for lost wages for damages. Plaintiff's motion in regard to her application for unemployment benefits is granted, however, this evidence may become relevant for impeachment purposes and may be reurged at time of trial if appropriate.

Plaintiff's motion is granted insofar as Plaintiff may argue an injury may have more than one proximate cause. However, Defendants are correct that Plaintiff must also prove Defendants' conduct is the direct cause of Plaintiff's injuries.

William B. Guthrie,
Clerk of Court, United States District Court

s/C. Trzcinski
By: C. Trzcinski, Deputy Clerk